

Service Date: October 17, 1988

FINAL ORDER NO. 5888

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9280
KURT AND VICKEY COLE DBA COLE'S)	
TRUCKING, Troy, Montana,)	
for a Certificate of Public Conven-)	ORDER NO. 5888
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On June 30, 1988, Kurt and Vickey Cole dba Cole's Trucking, Iron Creek Road, Box 666, Troy, Montana 59935, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of lumber and log products, Class B, between all points and places in the following counties: Lincoln, Sanders, Flathead, Missoula, Granite, Deer Lodge, Beaverhead, and Gallatin.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public August 5, 1988. That notice said in pertinent part:

If no written protests are received by August 25, 1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Bob Boyd Trucking, Inc., Ed Marks Trucking, Inc., Americana Expressways, Inc., and Dixon Bros., Inc.

4. The Docket was noticed for public hearing on September 12, 1988. On September 16, 1988, and on September 23, 1988, Applicant restrictively amended his application. All protests were subsequently withdrawn.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity requires a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service

Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 24th day of October, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9280, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of KURT AND VICKEY COLE DBA COLE'S TRUCKING, Troy, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Log and lumber products by the use of flatbed trailers only from Troy, Montana to points in the following counties: Lincoln, Sanders, Flathead, Missoula, Granite, Deer Lodge, Beaverhead and Gallatin. Limitations: Transportation is restricted to that provided for the account of

Diversified House Log only.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 17th day of October, 1988, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

ATTEST:

Carol A. Frasier
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.